

REMARKS

In the Office Action mailed on August 1, 2007, the Examiner rejected claims 1-29 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0053476 to Sorenson in view of U.S. Patent Application Publication No. 2002/0061012 to Thi.

In rejecting claims 1, 8, 14, 17 and 20, the Examiner admits that Sorenson does not teach synchronizing an MPEG system clock with a DOCSIS system clock. However, the Examiner asserts that Sorenson implies this feature because multiplexing two different data streams requires the data streams to first be synchronized. The Examiner is apparently arguing something not claimed. That is, the claimed invention does not include synchronizing data, but instead synchronizes clocks.

Applicant believes that Sorenson also does not teach synchronizing clocks. Referring to Fig. 20, Sorenson shows a reference clock selection 2026. That is, selector 2026 chooses from one of three potentially available clock sources: downstream T1 input 2012, 8 kHz input clock 2014 and 27 MHz MPEG Input clock 2016. Selector 2026 can only chose one of the three. It does not synchronize any two or three of them together. Thus, Sorenson's invention does not imply synchronizing clocks as asserted by the Examiner.

To compensate for Sorenson's deficiency, the Examiner relies on Thi and asserts that Thi teaches synchronizing clocks in paragraph [0010]. Applicant agrees that Thi does describe synchronizing clock, but this occurs after the data is transmitted to the client. That is, Thi wants to synchronize a near end clock with a far end clock. See paragraph [0339]. Thus, the transmission of data in Thi between the near end and the far

end produces the need for synchronizing the clocks. In contrast, claims 1, 8, 14, 17 and 20 recite synchronizing an MPEG system clock and a DOCSIS system clock before transmission of data to the client.

The Examiner also appears to equate DOCSIS with T1. This is incorrect. DOCSIS and T1 are two different things as evident by Sorenson use of both acronyms independently of each other. See paragraphs [0176] and paragraph [0003], respectively. Thus, Applicant cannot use Sorenson's teachings using T1 to reject Applicant's teachings of using DOCSIS.

With respect to claims 4 and 24, Sorenson does not teach using a 27 MHz clock signal as asserted by the Examiner. Instead, Sorenson teaches the use of a 162 MHz clock signal, from VCXO 2064, and then divides that frequency down to arrive at 27 MHz.

With respect to claims 5 and 25, Sorenson does not teach the limitation claimed there in paragraph [0169] lines 7-12.

With respect to claims 22 and 26, the Examiner apparently asserts that he doesn't see a technical difference between claims 22 and 26 and claim 1 and that these solutions are interchangeable. This is a mere conclusion without any support from Sorenson itself. If indeed these solutions were interchangeable, sure Sorenson would have addressed that in his specification. However, since he didn't, it follows that they are not interchangeable.

Claims not specifically mentioned above are allowable due to their dependence on an allowed base claim.

CONCLUSION

No fees beyond those for a Petition for a Three (3) Month Extension of Time are due for this Amendment. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

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